

**NINE-POINT CRITERIA ANALYSIS  
OF  
PROPOSED BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE 2007 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Section 18930(a), to be accompanied by an analysis which will, to the satisfaction of the commission, justify their approval. The approval of these proposed building standards is justified as follows:

**1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.**

HCD has determined that the proposed adoption of the 2007 California Green Building Standards Code (CGBC) into Title 24, Part 11 of the California Code of Regulations (CCR) does not conflict with, overlap or duplicate other building standards.

**2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.**

The CGBC was created as a result of a collaboration of the California Building Standards Commission, other state agencies, and industry-wide entities with an interest in developing green building standards which establish California as a leader in the efforts to reduce greenhouse gas emissions and improve environmental quality. In 2004, Executive Order S-20-04 created the "Green Building Action Team" to establish efficiency measures for state buildings. In 2005, Executive Order S-03-05 established the "Climate Action Team" and called for an overall reduction in greenhouse gas emissions in California.

The publication of the 2007 CGBC is necessary to comply with Health and Safety Code Sections 17921 and 17922 of the State Housing Law, and Government Code Section 12955.1; Health and Safety Code Section 17040 of the Employee Housing Act; Health and Safety Code Section 19990 of the Factory-Built Housing Law.

**3) The public interest requires the adoption of the building standards.**

Consistent with the direction of the CBSC, HCD finds that the proposed adoption of the 2007 CGBC are in the best interest for the protection of the health, safety and general welfare of the building occupants and the public.

**4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.**

HCD has determined that the proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

**5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.**

HCD finds that adopting amendments to a uniform model code results in cost savings to the public because it updates health and safety standards, provides the most recent methods, and promotes affordable costs. Health and Safety Code Section 17950 mandates the application of published building standards on a statewide basis to assist in uniformity and cost affordability. Additionally, HCD finds that the proposed adoption of the 2007 CGBC may increase certain costs; however, HCD has determined that, based upon the resulting benefits of this proposal, the cost is reasonable. (See *Economic Impact of the Proposed California Green Building Standards Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

**6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.**

HCD has determined that the 2007 California Green Building Standards Code (CGBC) is neither ambiguous nor vague, either in whole or in part. The language of the CGBC was developed, reviewed and edited to avoid ambiguity or vagueness.

**7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.** (*Health and Safety Code Section 18930 requires a statement of inadequacy of a national specification, published standard, or model code if it does not adequately address the goals of the state agency, OR a statement informing the commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.*)

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt rules and regulations that are substantially the same as the most recent edition of the model building code, which in this case refers to the California Building Code, California Electrical Code, California Energy Code and California Fire Code published by the International Code Council (ICC), and the California Mechanical Code and California Plumbing Code published by the International Association of Plumbing and Mechanical Officials (IAPMO). However, pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4<sup>th</sup> 245 (Ct of Appeal 3<sup>rd</sup> Dist CA), the CBSC is not limited to the statutorily identified model codes in HSC Section 17922.

In addition to stakeholder input, the Department of Housing and Community Development has reviewed several green building programs, guidelines, standards and reports including but not limited to the following:

California Green Builder  
LEED for Homes Pilot  
NAHB Model Green Homebuilding Guidelines  
US Environmental Protection Agency - Indoor Air Package  
Build It Green  
American Concrete Institute - Standard ACI 302.1R-04 and ACI 302.2R-06  
South Coast Air Quality Management District – Rule 1113 and Rule 1168  
California State Water Resources Control Board- Construction Storm Water Program  
A California Builders Guide to Reduced Mold Growth – A Report to the California Energy Commission

Recent proposed green building legislation (AB 35 concerning state-owned buildings, AB 888 concerning commercial B-occupancy buildings and AB 1035 concerning residential construction) was vetoed by the Governor. However, in his veto messages, the Governor expressed his support for development of green building standards, but advised that they should not be statutory, not conflict with current safety standards, and not rely on private entities to set standards.

The CBSC requested HCD to propose standards which would become the 2007 California Green Building Standards Code (CGBC) in Title 24, Part 11 of the California Code of Regulations (CCR) in an annual supplement proposed to be printed in 2008. HCD has collaborated with the CBSC and other state agencies to develop green building standards.

HCD has adopted the 2007 CGBC in order to establish green building standards, to incorporate the most recent changes to state and federal laws, to provide consistency and clarity and to ensure that conditions unique to California are adequately addressed.

**8) The format of the proposed building standards is consistent with that adopted by the commission.**

HCD is using the format consistent with that adopted by the California Building Standards Commission (CBSC).

**9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.**

The proposed adoption of the 2007 California Green Building Standards Code into Title 24, Part 11 of the CCR has been submitted to the State Fire Marshal for review.